

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BLUE SKY, INC. VERSUS KENTUCKY-	)	CASE NO.
AMERICAN WATER COMPANY	)	8564

O R D E R

On July 6, 1982, Blue Sky, Inc., ("Blue Sky") filed a complaint with the Commission against Kentucky-American Water Company ("Kentucky-American"). The complaint alleges that Blue Sky entered into a contract with Kentucky-American for the construction of an extension to a water main. Blue Sky further alleges that it paid a portion of the construction costs but that Kentucky-American has refused to pay refunds as provided for in the contract.

On July 13, 1982, the Commission ordered Kentucky-American to satisfy or answer the complaint of Blue Sky. On July 23, 1982, Kentucky-American filed a motion to dismiss the complaint on the grounds that it seeks monetary relief, not within the Commission's jurisdiction as conferred by KRS 278.040.

Based upon the record and being advised, the Commission is of the opinion and hereby finds that:

(1) The complaint filed by Blue Sky alleges a violation of the Commission's service regulations, 807 KAR 5:066 Section 12.

(2) The complaint requests the Commission to enforce a service contract by ordering Kentucky-American to refund construction costs paid by Blue Sky.

(3) The Commission has jurisdiction over service complaints against a regulated utility by authority of KRS 278.040.

IT IS THEREFORE ORDERED that Kentucky-American's motion to dismiss be and it hereby is denied.

IT IS FURTHER ORDERED that Kentucky-American shall satisfy the complaint of Blue Sky or file a written answer thereto within 10 days of this Order.

Done at Frankfort, Kentucky, this 24th day of August, 1982.

PUBLIC SERVICE COMMISSION

Marlin M. Vohz  
Chairman

Catherine Landall  
Vice Chairman

Len O'Carroll  
Commissioner

ATTEST:

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Secretary